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All Interested Parties, Statutory Parties  
and Other Persons

Your Ref:

Our Ref: EN010093

Date: 13 March 2019

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 etc**

### **Application by Cory Riverside Energy for an Order Granting Development Consent for the Riverside Energy Park**

#### **Notice of appointment of the Examining Authority and date, time and place of the Preliminary Meeting**

I write to you following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an examination of the above application. A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/?ipcsection=docs&stage=3&filter1=Appointment+of+Examining+Authority>

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

#### **Invitation to the Preliminary Meeting**

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes.

**Date of meeting:** Wednesday, 10 April 2019

**Seating available from:** 9.30am

**Meeting begins:** 10.00am

**Venue:** Slade Green and Howbury Community Centre  
Chrome Road, Erith, DA8 2EL

**Access and parking:** The venue is close to bus stops and Slade Green Railway Station. There is free customer car parking available.

**Note:** Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a government agency. If you have received a postcard but are able to receive communications by email, please confirm this with the Case Team using the contact details at the top of this letter, as soon as possible.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. At this stage I am looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts; which is after the Preliminary Meeting has closed.

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is at **Annex A**. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex B**. As a result of this assessment I wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and local authorities where they consider changes may be needed to the draft Examination Timetable set out in **Annex C**.

Up-to-date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park>. This is the address for the project webpage on the National Infrastructure Planning website, from which the Planning Inspectorate will make copies of all Examination Documents available to the public. As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

### **Attendance at the Preliminary Meeting**

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than 5 April 2017**.

It will help the management of the meeting and benefit everyone if as part of the above confirmation you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make;
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. I will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting.

However, please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. If you are an Interested

Party you will still be able to make a Written Representation and comments on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

### **After the Preliminary Meeting**

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. An audio recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are held at the discretion of the Examining Inspector and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately examined. My Examination will comprise of Written Representations about the proposal and oral representations made at any hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

### **Procedural decisions made by the ExA under ss89(3) and 93(1) of the Planning Act 2008**

I have made some preliminary procedural decisions. These include requests for Statements of Common Ground. These procedural decisions are all set out in full at Annex E.

### **Your status in the Examination**

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application, or are a relevant Local Authority where the development is proposed within your boundary (reference numbers beginning with 'RVSD-AFP or APL', 'RVSD57' or '200'), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a statutory party (ie body specified in the relevant regulations supporting the PA2008) or a Local Authority bordering the Local Authorities in which the development is proposed; but have not made a Relevant Representation (reference number beginning with 'RVSD-SP') you will not automatically be an Interested Party. However, following the Preliminary Meeting, you will have a further opportunity to notify the ExA that you wish to be treated as an Interested Party.

If you are not an Interested Party or a statutory party (ie body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the Preliminary Meeting as an 'Other person' because it appeared

to us that the Examination could be informed by your participation. 'Other persons' have a reference number beginning with 'RVSD-OP'.

If you are not sure whether you are an Interested Party, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 Series on the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/>

### **Award of costs**

I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

### **Management of information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/>

All Examination Documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair Examination, I consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Jonathan Green*

### **Examining Authority**

#### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft Examination Timetable
- D** Availability of Examination Documents
- E** Other Procedural Decisions made by the Examining Authority

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

**Agenda for the Preliminary Meeting**

<b>Date:</b>	10 April 2019
<b>Seating available from:</b>	9:30am
<b>Meeting start time:</b>	10:00am
<b>Venue:</b>	Slade Green Community Centre Chrome Road, Erith, DA8 2EL

<b>9:30am</b>	Seating available
<b>Item 1</b>	Welcome and introductions
<b>Item 2</b>	The Examining Authority's (ExA's) remarks about the examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – see <b>Annex B</b>
<b>Item 4</b>	Deadlines for submission of: <ul style="list-style-type: none"> <li>• Written Representations</li> <li>• Local Impact Reports</li> <li>• Responses to the ExA's Written Questions</li> <li>• Statements of Common Ground</li> <li>• Notifications relating to hearings</li> </ul>
<b>Item 5</b>	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> <li>• Date of ASI to application site and surrounding area</li> <li>• Date of Issue Specific Hearing on draft Development Consent Order</li> <li>• Dates reserved for Open Floor Hearing(s)</li> <li>• Time period reserved for Issue Specific Hearings</li> <li>• Time period reserved for Compulsory Acquisition Hearing</li> </ul>
<b>Item 6</b>	Procedural decisions taken by the ExA. Any remaining submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting or by <b>5 April 2017</b> .
<b>Item 7</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

**Please note:** Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

## **Initial Assessment of Principal Issues**

This is the initial assessment of the Principal Issues arising from consideration by the Examining Authority (ExA) of the application documents and Relevant Representations received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. A number of these Principal Issues set out below have an interrelationship and overlap and this will be reflected in the Examination.

The Principal Issues are listed in alphabetical order and should not be taken to imply an order of importance.

**Air quality** including issues related to:

- Emissions from the Energy from Waste (EfW) plant
- Cumulative effects on air quality in combination with other existing and proposed developments
- Stack height assessment

**Compulsory Acquisition**, including issues related to:

- The need for the land to be subject to compulsory acquisition
- The need to establish a compelling case in the public interest
- Inclusion of alternative routes for underground cables
- Financial arrangements

**Design, layout and visibility**, including issues related to:

- The design of the energy recovery facility, anaerobic digester and solar panels
- Capacity of the proposed development
- Provision for combined heat and power
- Landscaping

**Development Consent Order (DCO)**, including issues related to:

- Description of the authorised development
- Powers acquired through the DCO
- Requirements
- Protective provisions
- Inclusion of land within the River Thames

**Economic and social impacts**, including issues related to:

- The impact on the local economy
- The impact on local services and facilities
- The impact on housing and employment

**Habitats, ecology and nature conservation**, including issues related to:

- Impacts on European and other protected sites and species

- Impacts on habitats and biodiversity, in particular Crossness Nature Reserve
- Biodiversity offsetting
- Habitat created within REP site to be lost to the development

**Historic environment**, including issues related to:

- Impacts on heritage assets and historic landscapes

**Landscape and visual impact**, including issues related to:

- Visual impact during construction and operation on designated and other local sites including Crossness Conservation Area, Crossness Nature Reserve, Erith Marshes and the Thames Path

**Noise, lighting, dust and vibration**, including issues related to:

- Impacts during construction
- Impacts during operation
- Impacts of lighting on designated sites and protected species

**Transport and traffic**, including issues related to:

- Construction traffic movement and routeing, including abnormal roads
- Operational traffic
- Split between road and river transport for delivery of waste
- Impact on traffic during installation of underground cabling
- Road safety

**Water quality and flood protection**

- Impact on water quality at Crossness Nature Reserve
- Flood protection

### Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Due Dates
1.	<b>Preliminary Meeting</b>	<b>10 April 2019</b>
2.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• The ExA's written questions</li> </ul>	<b>17 April 2019</b>
3.	<b>Deadline 1</b> Deadline for the receipt of: <ul style="list-style-type: none"> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing</li> <li>• Notification of wish to speak at an Issue Specific Hearing</li> <li>• Notification of wish to speak at an Open Floor Hearing</li> <li>• Notification of wish to attend an Accompanied Site Inspection (ASI), suggested locations and justifications</li> <li>• Notification by statutory parties of wish to be considered as an Interested Party</li> <li>• Notification of wish to have future correspondence electronically</li> <li>• Responses to any further information requested by the ExA for this Deadline</li> </ul>	<b>30 April 2019</b>
4.	<b>Deadline 2</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• Comments on Relevant Representations (RRs)</li> <li>• Written Representations (WRs)</li> <li>• Summaries of all WRs exceeding 1500 words</li> <li>• Local Impact Reports (LIR) from any local authorities</li> <li>• Statements of Common Ground(s) (SoCGs) requested by the ExA</li> <li>• Responses to the ExA's Written Questions</li> </ul>	<b>20 May 2019</b>



	<ul style="list-style-type: none"> <li>• Post hearing submissions including written submissions of oral case</li> <li>• Comments on any additional information/submissions received by previous deadline</li> <li>• Responses to any further information requested by the ExA for this Deadline</li> </ul>	
5.	Accompanied Site Inspection	4 June 2019
6.	Open Floor Hearing (if requested)	4 June 2019
7.	Issue Specific Hearing on environmental matters	5 June 2019
8.	Issue Specific Hearing on the draft Development Consent Order	6 June 2019
9.	Compulsory Acquisition Hearing (if required)	6 June 2019
10.	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs and responses to comments on RRs</li> <li>• Comments on LIRs</li> <li>• Comments on responses to the ExA's First Written Questions</li> <li>• Revised draft DCO from Applicant</li> <li>• Post hearing submissions including written submissions of oral case</li> <li>• Responses to any further information requested by the ExA</li> <li>• Comments on any additional information/submissions received by previous deadline</li> </ul>	11 June 2019
11.	<p><b>Publication by ExA of:</b></p> <ul style="list-style-type: none"> <li>• The ExA's Further Written Questions (if required)</li> </ul>	26 June 2019
12.	<p><b>Deadline 4</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA's Further Written Questions (if required)</li> <li>• Comments on Applicant's revised draft DCO (if required)</li> <li>• Comments on Post hearing submissions including written submissions of oral case</li> <li>• Responses to any further information requested by the ExA</li> </ul>	16 July 2019

	<ul style="list-style-type: none"> <li>Comments on any additional information/submissions received by previous deadline</li> </ul>	
<b>13.</b>	Dates reserved for Issue Specific and any other Hearings (if required)	<b>30 July – 1 August 2019</b>
<b>14.</b>	<b>Publication by ExA of:</b> <ul style="list-style-type: none"> <li>Report on the Implications for European Sites (RIES)</li> </ul>	<b>5 August 2019</b>
<b>15.</b>	<b>Deadline 5</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>Comments on responses to the ExA's Further Written Questions (if required)</li> <li>Applicant's revised draft DCO</li> <li>Responses to further information requested by the ExA</li> <li>Post hearing submissions including written submissions of oral case</li> <li>Responses to any further information requested by the ExA</li> <li>Comments on any additional information/submissions received by previous deadline</li> </ul>	<b>13 August 2019</b>
<b>16.</b>	Dates reserved for Issue Specific and any other Hearings (if required)	<b>27-29 August 2019</b>
<b>17.</b>	<b>Deadline 6</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>Comments on the draft DCO (if required)</li> <li>Comments on the RIES</li> <li>Responses to any further information requested by the ExA</li> <li>Comments on any additional information/submissions received by previous deadline</li> </ul>	<b>3 September 2019</b>
<b>18.</b>	Dates reserved for Issue Specific and any other Hearings (if required)	<b>17-19 September 2019</b>
<b>19.</b>	<b>Deadline 7</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>Responses to comments on the draft DCO (if required)</li> </ul>	<b>23 September 2019</b>

	<ul style="list-style-type: none"> <li>• Responses to further information requested by the ExA</li> <li>• Responses to any further information requested by the ExA</li> <li>• Comments on any additional information/submissions received by previous deadline</li> <li>• Final draft DCO to be submitted by the Applicant in the statutory instrument (SI) template with the SI template validation report</li> </ul>	
<b>20.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	<b>9 October 2019</b>

### Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/?ipcsection=docs>

### Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition hearings the ExA will aim to publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

For Open Floor Hearings agendas will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

### Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA.

It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State. The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/>

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make. Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations.

## Electronic deposit locations

Authority	Location	Opening hours		Printing/ copying
London Borough of Bexley	Slade Green and Howbury Community Library, Chrome Road Erith DA8 2EL	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10am - 7pm 10am – 7pm 10am – 530 10am – 9pm 10am – 9pm 10am – 4pm 930am – 230	<ul style="list-style-type: none"> <li>• Computer access</li> <li>• Don't need ID to access the building</li> <li>• 20p for B&amp;W, 75P for colour</li> </ul>
London Borough of Bexley	Upper Belvedere Community Library, Mitchell Close, Belvedere, DA17 6AA	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	8am – 10pm 8am – 10pm 8am – 10pm 8am – 10pm 8am – 11pm 8am – 11pm 8am – 10pm	<ul style="list-style-type: none"> <li>• No computer access, free wifi</li> <li>• Don't need ID to access the building</li> <li>• 10p to copy</li> </ul>
London Borough of Bexley	London Borough of Bexley Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	9am - 5pm 9am - 5pm 9am - 5pm 9am - 5pm 9am - 5pm Closed Closed	<ul style="list-style-type: none"> <li>• Free computer access</li> <li>• No ID required</li> <li>• £15.50 up to 10 sheets, 10p after that</li> <li>• £6 per plan</li> </ul>
London Borough of Dartford	Dartford Library Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	830am – 6pm 830am – 6pm 830am – 6pm 830am – 6pm 830am – 6pm 9am - 5pm Closed	<ul style="list-style-type: none"> <li>• Computers are free</li> <li>• Printing B&amp;W 15p 50p colour A4 only</li> </ul>

## **Other Procedural Decisions made by the Examining Authority (ExA)**

The ExA has made the following Procedural Decisions under Section 89(3) of the PA2008:

### **1. Statements of Common Ground (SoCG)**

In relation to some of the Principal Issues identified in **Annex B**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex C** therefore provides a deadline for submission of SoCGs. This is **Deadline 2** on 20 May 2019.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties and submitted by the Applicant.

SoCGs are requested to be prepared between the Applicant and the London Borough of Bexley and Dartford Borough Council covering issues raised in the Environmental Statement and the draft DCO. This request does not preclude SoCGs between the Applicant and other parties being submitted by the same deadline.

### **2. Post submission documents**

The ExA has made a procedural decision to accept the following submissions as Additional Submissions.

- London Borough of Bexley
- ES Pipelines Limited

These submissions have been published on the Riverside Energy Park page of our website.